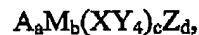


**REMARKS**

This Amendment is made in furtherance of the Preliminary Amendment filed on December 2, 2002, and in furtherance of the telephone interview conducted between the Examiner and the undersigned on August 22, 2003.

1. **Statement of the Case and Status of the Claims.**

The present invention provides a novel electrode active material represented by the nominal general formula:



wherein

- (a) A is selected from the group consisting of Li, Na, K, and mixtures thereof, and  $0 < a \leq 8$ ;
- (b) M comprises one or more metals, comprising at least one metal which is capable of undergoing oxidation to a higher valence state, and  $1 \leq b \leq 3$ ;
- (c)  $XY_4$  is selected from the group consisting of  $X'O_{4-x}Y'_x$ ,  $X'O_{4-y}Y'_{2y}$ ,  $X''S_4$ , and mixtures thereof, where  $X'$  is P, As, Sb, Si, Ge, S, and mixtures thereof;  $X''$  is P, As, Sb, Si, Ge and mixtures thereof;  $Y'$  is halogen;  $0 \leq x < 3$ ; and  $0 < y < 4$ ; and  $0 < c \leq 3$ ;
- (d) Z is OH, halogen, or mixtures thereof, and  $0 < d \leq 6$ ; and

wherein M, X, Y, Z, a, b, c, d, x and y are selected so as to maintain electroneutrality of said compound.

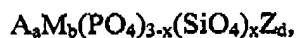
Claims 1 - 119 are currently pending in the present Application. Upon entry of the present Amendment, Claims 1 - 119 will be cancelled, and new Claims 120-180 will be pending.

Care has been taken in present Amendment to ensure that no new matter has been added. Support for the new Claims can be found in the specification as filed.

2. Telephone Interview.

The Examiner initiated a telephone interview with the undersigned on August 22, 2003. During the telephone interview, the Examiner requested that prosecution of the present Application be limited to electrode active materials wherein c is 1 or 3, and further limited to electrode active materials wherein X' is up to two species and mixtures thereof (e.g. electrode active materials comprising one or two polyanions ( $\text{PO}_4^{3-}$ ), and mixtures thereof). The undersigned thanks the Examiner for the opportunity to discuss this Application, and for the opportunity to submit the attached new Claims for her consideration.

In accordance with the Examiner's request, Applicants herewith submit new Claims 120-180 for the Examiner's consideration. New independent Claims 120 and 149 recite, among other things, an electrode active material represented by the general formula:



wherein,

- (a) A is selected from the group consisting of Li, Na, K, and mixtures thereof, and  $0 < a \leq 8$ ;
- (b) M comprises one or more metals, wherein at least one of the one or more metals is capable of undergoing oxidation to a higher valence state, and  $1 \leq b \leq 3$ ;
- (c)  $0 \leq x \leq 3$ ; and
- (d) Z is selected from the group consisting of a hydroxyl, a halogen, and mixtures thereof, and  $0 < d \leq 6$ ;


wherein A, M, Z, a, b, x and d are selected so as to maintain electroneutrality of the compound.

Applicants submit that new Claims 120-180 are distinct from the prior art of record, and accordingly are in condition for allowance. Should anything further be required, the Examiner is respectfully requested to telephone the undersigned at 702-558-1071.

Respectfully submitted,

Dated: August 26, 2003  
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